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| Notice of Allowability + Examiner's <i>Amendment and Reasons for allowance</i> | Application No. | Applicant(s) | |
| | 10/527,808 | CHENE ET AL. | |
| | Examiner | Art Unit | |
| | Huy K. Mai | 2873 | |

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address–
 All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the patent application filed Mar. 14, 2005 and the telephone interview Feb. 15, 2006.
 2. ☒ The allowed claim(s) is/are 9-16. Claims 1-8 have been cancelled.
 3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Huy K. Mai
 May 12 2006
 Primary Examiner

Attachment(s)

- | | |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date <u>0206</u> . |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date <u>3/05</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Benoit Castel on February 15, 2006.

The application has been amended as follows: Claim 9 has been amended as below:

9. (Currently amended) A spectacle frame ~~of the type~~ comprising a frame face on which two sides are articulated by telescopic hinges allowing the sides to move

- from a stable open position, in which the hinge-side end, called the "proximal end", of the sides is parallel and in immediate proximity to the hinge-side end, called the "proximal end", of a stub forming part of the frame face, the said proximal ends defining a meeting plane, passing between the knuckles of the said hinge,

- to an unstable over-opened position, by pivoting about a bearing point lying in the said meeting plane, the sides having an external surface and an internal surface, and the frame having a plane of symmetry, that is orthogonal to the general plane of the frame face, wherein the said bearing point is located closer to the said plane of symmetry, than the external surface of the sides, measured at the level of the said meeting plane .

15. (Currently amended) A frame according to Claim ~~9-12~~, wherein the said recess is in the form of a gap of 1 mm to 5 mm between the proximal end of the side and that of the stub.

REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance: The prior art fails to teach a combination of all the limitations as claimed in the independent claim 1, wherein the claimed invention comprising a frame face on which two sides are articulated by telescopic hinges allowing the sides to move 1) from a stable open position, in which the hinge-side end, called the "proximal end", of the sides is parallel and in immediate proximity to the hinge-side end, called the "proximal end", of a stub forming part of the frame face, the said proximal ends defining a meeting plane, passing between the knuckles of the said hinge, 2) to an unstable over-opened position, by pivoting about a bearing point lying in the said meeting plane, the sides having an external surface and an internal surface, and the frame having a plane of symmetry, that is orthogonal to the general plane of the frame face, wherein the said bearing point is located closer to the said plane of symmetry, than the external surface of the sides, measured at the level of the said meeting plane, as claimed. The prior art does not disclose or fairly suggest, by themselves or in combining with any other reference, to meet a combination of all the limitations as claimed in claim 9. Therefore claims 9-16 could be allowable over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy K. Mai whose telephone number is (571) 272-2334. The examiner can normally be reached on M-F (8:00 a.m.-4:30 p.m.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky L. Mack can be reached on (571) 272-2333. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1562.

Art Unit: 2873

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HKM/

February 15, 2006


Huihui Mai
Patent Examiner